

**REMARKS/ARGUMENTS**

Claims 1-9, 11-24, 29, 31-37, 46-160, and 163-178 are currently pending. Claims 1- 3, 12, 13, 22, 29, 46-55, 163, 164, and 167-178 have been amended for clarification purposes only. It is respectfully submitted that no new matter has been added.

**35 U.S.C. § 103(a)**

Claims 1-3, 7-22, 29, 33, 46, 47, 51-57, 61-69, 73-82, 86-95, 99-110, 114-126, 130-143, 147-160, and 163-178 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,241,686 (Charbonnier), in view of Crichton, U.S. Patent No. 5,722,072.

Claims 4-6, 23, 24, 31, 32, 35-37, 48-50, 58-60, 70-72, 83-85, 96-98, 111-113, 127-129, and 144-146 stand rejected under 35 U.S.C. §103 as unpatentable over Charbonnier, in view of Crichton, U.S. Patent No. 5,722,072, and further in view of U.S. Patent No. 5,640,677 (Karlsson).

Applicant believes, as discussed before, that the documents cited by the Patent Office are not combinable as there is no motivation for one of ordinary skill in the art to do so. Arguendo (and not admittedly), even if the documents were to be combined not all of the features of the claims would be disclosed by such a combination.

Charbonnier (US-5241686), discloses a method for optimising the distribution of the radio electric load on a radio communication cellular network between fixed delays. The document clearly discloses, in column 8, that a synthesiser is positioned successively and cyclically on each of the frequencies (of the radio channels used as beacon routes). Then for each frequency the output signal from the modem is analysed by the unit to determine if it is a beacon route, and if necessary to read the characteristic data of the relay amongst which the value of the field correction parameter (H), and simultaneously measures the field strength or power (E) of the electric field for the beacon route. The unit then computes the difference between the power of the received field and the field correction parameter and stores the field in memory.

It is only when the mobile has scanned the entire set of beacon routes listed in the table of frequencies, including the beacon route of the channel in which it is currently located, that the unit compares the values of the corrected fields and determines the beacon route having the highest corrected field.

Charbonnier however does not disclose, and appears to be accepted by the Patent Office to not disclose, measuring a duration of time for which the measured strength of communication from the at least one of a cell exceeds the measure strength of the communication from the current cell during the comparing.

Furthermore, Charbonnier does not disclose the feature of changing the current cell with which the station is associated only if the measured duration of time is at least a predetermined time period.

The Patent Office has furthermore cited Crichton et al (US-5722072) as purportedly supplying the remaining features. However, Applicant disagrees that the person skilled in the art would consider combining the teachings of these two documents. The person skilled in the art would consider that Charbonnier describes a comparison system where a new unit is possibly selected only after every scanning cycle where the electric fields are compared against each other. However Crichton et al discloses a handover system where handover is initiated when the average signal is below a threshold value, or the signal strength of the neighbour cells exceeds the serving cell by a threshold. These are two separate methods that are clearly differentiated within Crichton.

The summary of the invention such as described in column 2, lines 39 to 49, separates these methods into two types of which the method for determining a handover described in Crichton includes only measuring the received signal parameters received from a serving cell and a plurality of neighboring cells and comparing the received signal parameters with a variable threshold value for each of the neighbour cells.

Thus although the two documents are within the same field of handovers there is no indication in either of the two documents that an improvement in one method type may be implemented without significant modification in the other method type.

Furthermore, with regard to Crichton et al there is no specific disclosure of measuring a duration of time for which the measured strength of communication from the at least one other cell exceeds the measured strength of the communication from the current cell nor of changing the current cell only if the measured duration of time is at least a predetermined time period.

As the Patent Office has indicated and has commented above, there is disclosure within Crichton of comparing received signal parameters with a variable threshold value for each of the

Serial No.: 10/030,798

Group Art Unit: 2618

plurality of neighboring cells and measuring time received signal parameters where the threshold value for each of the neighbor cells are above the threshold value.

As indicated in our previous response, Crichton clearly does not disclose a method of carrying out the handover with regard to comparing between cell strength for a predetermined time. The summary does mention a signal comparison but only with respect to the instantaneous measurement method as effectively carried out in Charbonnier.

Taking Charbonnier as a starting point, Charbonnier has an inherent flaw associated in that although each measurement period has a certain finite value the telephone operator cannot be certain that the sampling period produces a sampling error and that an incorrect neighboring cell may be selected because of the short sampling period and also that the cells are measured at different time points.

However Crichton et al does not solve this problem. Although, in Crichton, by producing a possible candidate list based on whether or not a neighbour cell is above a certain threshold for a certain amount of time, the selection of a neighboring cell is dependent on the time period, or the number of times the received signal parameters are above a threshold value, or the measured number of times the signal strength is above a threshold value for a specific period. However this may once again select a poor candidate which, although is consistently "above" the threshold, fails to take the signal strength into account.

Thus Applicant believes that even if the two documents could be combined the additional information does not allow the person skilled in the art to arrive at the invention as claimed in the independent claims. Applicant therefore believes that the invention is novel and non-obvious over the prior art combination.

Karlsson does not remedy the deficiencies of Charbonnier or Crichton.

The Patent Office is respectfully requested to reconsider and remove the rejections of the claims 1-9, 11-24, 29, 31-37, 46-160, and 163-178 under 35 U.S.C. 103(a) based on Charbonnier in view of Crichton or Charbonnier in view of Crichton and Karlsson, and to allow all of the pending claims 1-9, 11-24, 29, 31-37, 46-160, and 163-178 as now presented for examination. An early notification of the allowability of claims 1-9, 11-24, 29, 31-37, 46-160, and 163-178 is earnestly solicited.

Serial No.: 10/030,798  
Group Art Unit: 2618  
Respectfully submitted:



Walter J. Malinowski

Walter J. Malinowski

June 4, 2007

Date

Reg. No.: 43,423

Customer No.: 29683

HARRINGTON & SMITH, PC

4 Research Drive

Shelton, CT 06484-6212

Telephone: (203) 925-9400, extension 19

Facsimile: (203) 944-0245

email: wmalinowski@hspatent.com

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

June 4, 2007  
Date

Jodie L. Droniak  
Name of Person Making Deposit